

**REMARKS**

Please reconsider this application in view of the above amendments and the following remarks.

- Claims 1-6, 8-10, and 12-20 are pending.
- Claims 1-6, 8-10, and 12-20 are rejected.

The claims have been amended to address the examiner's objection. Moreover, claim 13 has been amended to contain the limitation "the toner having a variation coefficient of the toner shape coefficient of not more than 16 percent".

Claims 1-10 and 12-20 are rejected under 35 USC 102(e) as being anticipated by Horiuchi et al.

Applicant supplies a certified translation of the Japanese priority document for the current application to perfect its priority date. As can be seen, this patent was constructively reduced to practice before the filing date of Horiuchi, which is November 6, 2001.

Please remove this rejection.

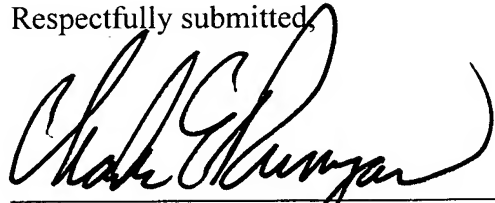
Claims 5-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of Horiuchi et al.

Applicant supplies a corrected version of the previously filed terminal disclaimer and supplies a terminal disclaimer over United States Pre-Grant Publication No. 2004/0043319. This new disclaimer over the pre-grant publication overcomes this rejection of claims 5-9 over Horiuchi.

Please remove this rejection.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,



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